

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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U.S. COMMODITY FUTURES TRADING
COMMISSION,

Plaintiff,

ORDER

-against-

CV 17-4087 (ADS) (AKT)

DANIEL WINSTON LAMARCO and
GDLOGIX INC.,

Defendants.

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A. KATHLEEN TOMLINSON, Magistrate Judge:

The Court has reviewed counsel for Plaintiff's letters of July 25, 2017 [DE 14] and August 3, 2017 [DE 17] setting forth the procedural background (*i.e.*, Defendants' criminal conviction and present incarceration at the Metropolitan Correctional Center) of the present civil litigation. In light of *pro se* Defendant Daniel LaMarco ("Defendant") present incarceration, the normal progression of discovery cannot move forward.

Since the CFTC has stated that it would like to discuss a possible negotiated resolution, the Court will attempt to appoint an attorney from the EDNY Pro Bono Panel for a limited appearance solely to represent Defendant LaMarco for purposes of settlement negotiations. If the case is not resolved through those negotiations, then the Court will address further contact between plaintiff and the *pro se* defendant for purposes of moving discovery forward. It will take a short time for the Court to work on the appointment of counsel issue. While the Court is doing so, all other aspects of this case are held in abeyance until the further Order of the Court.

In the interim, the Court is directing Plaintiff's counsel not to contact the pro se defendant directly. The Court has regular procedures in place to conduct discovery conferences with incarcerated prisoners if the case gets to that point.

Plaintiff's counsel is directed to serve a copy of this Order upon the pro se defendant forthwith at the Metropolitan Correctional Center and to file proof of such service on ECF.

SO ORDERED.

Dated: Central Islip, New York
August 4, 2017

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
United States Magistrate Judge